

REMARKS

Applicant has amended claim 44 to better reflect that the UV absorber is used not in the destruction of plants, but rather in the nurturing of plants. Parham teaches the use of his benzotriazoles as herbicides. Applicant herein utilizes his UV absorber with an oil carrier, substantially reducing photo-oxidation while not rendering the agricultural spray more phytotoxic, as now recited in claim 44.

As stated in the enclosed Declaration of Dr. David Johnson:

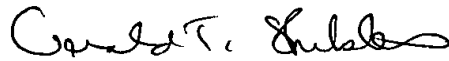
1. That, in his opinion, based on his experience in the art, that one skilled in the art would not look to Parham, for teachings concerning or material to an oil for use as a carrier in an agricultural spray for pesticides or micronutrients because Parham teaches a herbicide for severely damaging or killing plants; and
2. That if the teachings of Parham were followed, the result would be an oil carrier having sufficient levels of an adjuvant such as an aryloxy benztriazole as would cause the oil to severely damage or kill plants.
3. That Parham's teachings would not result in a product that reduces photooxidation.
4. That Parham's teachings would not result in phytosafe agricultural spray; and
5. That there is no teaching in his opinion, based on his experience as one skilled in the art, there is no teaching in the art of record which would suggest to one skilled in the art that an oil for use as a carrier of micronutrients and pesticides in agriculture which incorporated a UV absorber such as a benzoxazole, benzotriazole or benzthiazol within the concentration range specified could be successfully utilized in view of the herbicidal qualities taught by Parham.

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Applicant hereby requests reconsideration and reexamination thereof.

With the above amendments and remarks, this application is considered ready for allowance and Applicant earnestly solicits an early notice of same. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to call the undersigned at the below-listed number.

Respectfully submitted,



Gerald T. Shekleton

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Dated: April 8, 2004

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